

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

THADDEUS MOORE,

*

Plaintiff

*

v.

*

Civil No. 14-CV-01788 CCB

MT. SAINT JOSEPH
HIGH SCHOOL, *et al.*,

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*

Defendants

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**REPLY IN OPPOSITION TO MOTION TO PRESENT WRITTEN
CHRONOLOGICAL & FACTUAL EVIDENCE OF EVENTS
TO SUPORT MOTION FOR SUMMARY JUDGMENT**

Defendant Mount Saint Joseph High School, by its undersigned counsel, files this Reply in Opposition to Plaintiff's Motion to Present Written Chronological & Factual Evidence of Events to Support Motion for Summary Judgment.

Defendant notes initially that it is somewhat at a loss as to how to respond to Plaintiff's latest in a long line of frivolous filings since there is no provision for filing a Motion to Present Written Chronological Evidence, etc. in the Federal Rules. For purposes of framing a response, Defendant treats this filing as a supplement to Plaintiff's previously filed Motion for Summary Judgment.

Nothing in Plaintiff's filing has aided him in articulating a violation of the Fourteenth Amendment by this Defendant. Plaintiff has not presented any support for his vague allegations that Defendant Mount Saint Joseph High School, which does not act under color of law as a private educational institution, violated any right secured to him under the Constitution or laws of the United States.

Indeed the documents and “chronology” submitted by Plaintiff do more to illustrate how frivolous this entire action is than to advance any cause he is asserting. The various pieces of correspondence are nothing more than evidence of Plaintiff’s crusade to prove that his son (who is not a party to this action) was robbed of his destiny to become a professional football player by a decision of a former Mount Saint Joseph’s football coach not to play him as much as Plaintiff believed he should have. The correspondence also shows how desperate Plaintiff was to blame someone else for the lost opportunity to be the father of a professional athlete. At every turn however, it appears that his complaints were heard, investigated (by the school, by the police, by the Baltimore City State’s Attorney and even Congressman Cummings) and found to be without merit.

Plaintiff has failed to either allege or establish that there is no material dispute as to a material fact. Clearly there is some disagreement, as evidenced by Plaintiff’s own purported exhibits, as to whether there was ever any improper action taken against his son. Federal Rule 56 provides that summary judgment is appropriate only when the “movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a); *see also Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 106 S. Ct. 2505, 91 L. Ed. 2d 202 (1986). Plaintiff has still failed to meet this burden.

In Defendant’s original response to Plaintiff’s Motion for Summary Judgment, it was noted that the “facts” upon which Plaintiff relies are conclusory allegations that are very much disputed by the Defendant. His latest submission is illustrative of not only the dispute that exists as to the facts in this case, but the fact that his allegations were universally thought to be without merit.

WHEREFORE, for the above-stated reasons, Defendant respectfully requests that this Honorable Court issue an Order granting its Motion to Dismiss and striking Plaintiff's Motion for Summary Judgment and for whatever additional relief this Court deems appropriate.

DATED: September 25, 2014

Respectfully submitted,

/s/ Ronald M. Cherry

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of September, 2014, a copy of the foregoing Response in Opposition to Plaintiff's Motion to Present Written Chronological & Factual Evidence of Events to Support Motion for Summary Judgment and proposed Order were sent via first-class mail, postage prepaid upon:

Thaddeus Moore
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/s/ Ronald M. Cherry